

## § 85.9

or directly through one or more slaughter markets and then directly to a recognized slaughtering establishment; or

(2) The swine are moved directly to a feedlot, quarantined feedlot, or approved livestock market; or

(3) The swine are moved from an approved livestock market to a feedlot, quarantined feedlot, or other approved livestock market; or

(4) The swine are moved interstate in a swine production system in compliance with § 71.19(g) of this chapter.

(b) For all interstate movements other than those set forth in paragraph (a) of this section, the swine must be accompanied by a certificate, and the certificate must be delivered to the consignee. In addition to the information required by § 85.1 of this part, the certificate must state: (1) That the swine are from a qualified negative gene-altered vaccinated herd; (2) The date of the herd's last qualifying test; (3) The identification for the swine to be moved interstate, in accordance with § 71.19 of this chapter; and (4) If the swine to be moved are official gene-altered pseudorabies vaccinates, the official gene-altered pseudorabies vaccine used in the herd.

[55 FR 19253, May 9, 1990, as amended at 66 FR 65604, Dec. 20, 2001; 69 FR 64651, Nov. 8, 2004]

## § 85.9 Other interstate movements.

The Administrator may, upon request in specific cases, permit the interstate movement of livestock not otherwise provided for in this part under such conditions as he may prescribe to prevent the spread of pseudorabies. The Animal and Plant Health Inspection Service intends that such authority be used only in situations and under circumstances presenting problems that could not have been reasonably anticipated in advance and in unique situations. The Animal and Plant Health Inspection Service does not intend that such authority be used repeatedly to cover the same problem, but that the regulation be amended to conform with needed changes as they come to light.

[44 FR 10309, Feb. 16, 1979, as amended at 54 FR 21049, May 16, 1989. Redesignated at 55 FR 19253, May 9, 1990]

## 9 CFR Ch. I (1–12 Edition)

### § 85.10 Interstate movement of swine semen and swine embryos for insemination of or implantation into swine.

Swine semen and swine embryos moved interstate for insemination of swine or implantation into swine shall be accompanied by a document issued by an accredited veterinarian stating that the donor swine are not known to be infected with or exposed to pseudorabies, were negative to an official pseudorabies serologic test within 30 days prior to the collection of the semen or embryos or were members of a qualified pseudorabies negative herd, and had not been exposed to pseudorabies within 30 days prior to the collection of the semen or embryos.

(Approved by the Office of Management and Budget under control number 0579–0032)

[44 FR 10309, Feb. 16, 1979, as amended at 50 FR 47353, Nov. 15, 1985. Redesignated at 55 FR 19253, May 9, 1990; 59 FR 67133, Dec. 29, 1994]

### § 85.11 Permits and certificates.

(a) Each permit, certificate or ownership statement required under this part to accompany swine interstate shall be delivered with the swine to the consignee by the person delivering the swine.

(b) A copy of each permit or certificate required under this part to accompany swine interstate shall be mailed or delivered to the State animal health official of the State of destination by the person issuing the document within 3 days of the interstate movement of the swine covered by said document.

(Approved by the Office of Management and Budget under control number 0579–0069)

[44 FR 10309, Feb. 16, 1979, as amended at 48 FR 57472, Dec. 30, 1983. Redesignated at 55 FR 19253, May 9, 1990]

### § 85.12 Cleaning and disinfecting means of conveyance.

All means of conveyance used in connection with the interstate movement of pseudorabies infected or exposed livestock shall be cleaned and disinfected in accordance with § 71.7 of this chapter using one of the disinfectants registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135 *et seq.*) with herpes virucidal claims. These

disinfectants shall be used in accordance with directions on their labels accepted in connection with their registration.

[44 FR 10309, Feb. 16, 1979, as amended at 62 FR 27937, May 22, 1997]

#### § 85.13 Cleaning and disinfecting livestock markets and other facilities.

Livestock markets and other facilities used in connection with the interstate movement of pseudorabies infected or exposed livestock shall be cleaned and disinfected in compliance with § 71.7 of this chapter using one of the disinfectants registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135 *et seq.*) with herpes virucidal claims. These disinfectants shall be used in accordance with directions on their labels accepted in connection with their registration.

[44 FR 10309, Feb. 16, 1979, as amended at 62 FR 27937, May 22, 1997]

### PART 88—COMMERCIAL TRANSPORTATION OF EQUINES FOR SLAUGHTER

Sec.

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AUTHORITY: 7 U.S.C. 1901, 7 CFR 2.22, 2.80, 371.4.

SOURCE: 66 FR 63615, Dec. 7, 2001, unless otherwise noted.

#### § 88.1 Definitions.

The following definitions apply to this part:

**APHIS.** The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

**Assembly point.** Any facility, including auction markets, ranches, feedlots, and stockyards, in which equines are gathered in commerce.

**Commercial transportation.** Movement for profit via conveyance on any highway or public road.

**Conveyance.** Trucks, tractors, trailers, or semitrailers, or any combina-

tion of these, propelled or drawn by mechanical power.

**Equine.** Any member of the *Equidae* family, which includes horses, asses, mules, ponies, and zebras.

**Equine for slaughter.** Any member of the *Equidae* family being transferred to a slaughter facility, including an assembly point, feedlot, or stockyard.

**Euthanasia.** The humane destruction of an animal by the use of an anesthetic agent or other means that causes painless loss of consciousness and subsequent death.

**Feedlot.** Any facility which consolidates livestock for preconditioning, feeding, fattening, or holding before being sent to slaughter.

**Owner/shipper.** Any individual, partnership, corporation, or cooperative association that engages in the commercial transportation of more than 20 equines per year to slaughtering facilities, except any individual or other entity who transports equines to slaughtering facilities incidental to his or her principal activity of production agriculture (production of food or fiber).

**Owner-shipper certificate.** VS Form 10-13,<sup>1</sup> which requires the information specified by § 88.4(a)(3) of this part.

**Secretary.** The Secretary of Agriculture.

**Slaughtering facility.** A commercial establishment that slaughters equines for any purpose.

**Stallion.** Any uncastrated male equine that is 1 year of age or older.

**Stockyard.** Any place, establishment, or facility commonly known as stockyards, conducted, operated, or managed for profit or nonprofit as a public market for livestock producers, feeders, market agencies, and buyers, consisting of pens, or other enclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce.

**USDA.** The U.S. Department of Agriculture.

**USDA backtag.** A backtag issued by APHIS that conforms to the eight-character alpha-numeric National

<sup>1</sup>Forms may be obtained from the National Animal Health Programs Staff, Veterinary Services, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737-1231.